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#8  
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PATENT  
8012-1128-1

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of:  
Seiji SAKANO et al.

Conf.: 2953

Appl. No.: 09/995,593

Group: 1646

Filed: November 29, 2001

Examiner: Prema Maria Mertz

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RESPONSE

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 13, 2003

Sir:

This replies to the Official Action of July 30, 2003.

Responsive to the requirement for restriction,  
Applicant elects Group II, claims 1-3 and 30, with traverse.

It is believed that the requirement is improper and  
should not be repeated, for the following reasons:

1. The various groups are closely related as to  
structure and function. Therefore, they should be examined  
together in a single application.

2. The search fields overlap and in many cases  
coincide. Therefore, there is no substantial additional work  
imposed on the Examiner, by the examination of all the groups  
together.

3. If the application were broken down into the ten groups recited in the Official Action, and ten applications resulted, the amount of work that would have to be performed by the Examiner would be multiplied, compared to the amount of work that will be performed by the Examiner if the groups are examined together.

4. Separate classification is no indication of the propriety of a requirement for a restriction. Classification is solely for the convenience of the Patent Office and the searching public, and cannot reduce an applicant's rights in any way.

For any or all of the above reasons, therefore, an action on the merits of all of the claims is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



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